

Beth McCullough

From: Ben Gastel
Sent: Friday, January 24, 2014 3:50 PM
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Subject: NECC Proposal and Trial Selection CMO
Attachments: 14-01-23 Joint Deposition Protocol - Proposed Order - Redline Incorporating Defendant Changes (00311611).DOC; NECC Authorization for Release of Insurance Records.doc; Request for Transcript of Tax Return form 4506-T.PDF; NECC Medical Records Authorization.docx; 14-1-24 PSC CMO on Trial_Bellwether.DOCX; 14-1-24 PSC Plaintiff Profile Form [clean] (00311741).DOCX; NECC Authorization for Release of Employment Records.doc; NECC Authorization for Release of Workers Compensation Records.doc

All,

Attached, please see the following:

1. A proposed CMO on trial and bellwether selection;
2. The Current Version of the PSC's Proposed Plaintiff Profile Form
3. The PSC's proposed releases to be used in conjunction with this form (medical, worker's comp, employment, insurance, and tax releases)
4. An updated version of the deposition protocol with changes accepted from the changes suggested by Saint Thomas.

With regard to the deposition protocol, this is redlined against the original version we sent and the additions/deletions are those that we added or accepted. Saint Thomas' version of the deposition protocol drastically changed the conduct of depositions under the Federal Rules of Civil Procedure. We believe the deposition protocol is merely meant to facilitate the taking of depositions in a uniform and coherent matter in this MDL and is not intended to change the conduct of depositions. As a result, we were simply unable to accept many of Saint Thomas' changes as they clearly were not consistent with the Federal Rules of Civil Procedure.

With regard to the medical release, the PSC's offer of December 12, 2013 still stands. To the extent that you will agree with the PSC's limitations in the release, then we will agree that production can be made directly to defendants in lieu of going through the HIPAA compliant vendor identified in the Court's Qualified Protective Order.

Exhibit E

With regard to the profile form, we made some additional changes to the insurance/disability section to reflect the difference between being awarded benefits and receiving benefits.

We plan to submit these as part of our proposal to Judge Boal today per her order of January 7.

With regard to the CMO on trial selection and bellwether. We will hold a meet and confer on **Monday at 2:00 cst** on this document and propose that any competing proposals be filed no later than **January 31, 2014**. Call in information will be circulated at a later time.

Warmest Regards,

Ben

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